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In re Application of	:	
YIP et al.	:	
Application No.: 09/403,608	:	DECISION ON REQUEST
PCT No.: PCT/AU98/00868	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 18 October 1998	:	
Priority Date: 21 October 1997	:	
Attorney Docket No.: 025265-155	:	
For: COATED SUNGLASS LENS	:	

This is a decision on "Second Renewed Petition Under 37 CFR 1.497(d)" filed 02 November 2001 requesting the addition of fifth joint inventor, Randy Lee Gove. Applicants' previous petition was dismissed in a decision dated 20 June 2001 because assignment provided did not sufficiently identify the application pursuant to 37 CFR 3.21.

On 02 November 2001, applicant filed the present petition.

DISCUSSION

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants' have satisfied items (1) through (3).

In regards to item(4) above, applicants have provided an assignment which sufficiently identifies the above identified application, however, a review of the "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR 1.48(a)(4)" filed on 12 March 2001 reveals that the consent to add Randy Lee Gove is defective. The consent of assignee does not list the name or title of the individual signing on behalf of Sola International Holding Ltd. Therefore, applicants are requested to file an additional written consent of the

assignee that provides the name and title of the individual acting on behalf of the assignee.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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